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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,848	11/13/2003	Fabio DeSisti	7338	9504
55740 7590 06/13/2008 GAUTHIER & CONNORS, LLP 225 FRANKLIN STREET SUITE 2300 BOSTON, MA 02110				
EXAMINER				
TRAN, THUY V				
ART UNIT		PAPER NUMBER		
2821				
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06/13/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/712,848

**Applicant(s)**

DESISTI ET AL.

**Examiner**

Thuy V. Tran

**Art Unit**

2821

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amendment filed on 02/11/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-10, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-10, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is in response to the Applicant's amendment submitted on 02/11/2008. In virtue of this amendment, claims 4-5 and 11-14 have been canceled; and thus, claims 1-3, 6-10, and 15-16 are now presented in the instant application.

#### ***Response to Applicants' arguments***

1. Applicants' arguments with respect to amended claims 1-2 and 15 have been seriously considered but are moot in view of the new ground of rejection See Remarks and Conclusion below.

#### ***Claim Objections/ Minor Informalities***

2. Claim 15 is objected to because of the following informalities:

Line 10, --holder-- should be inserted between "lamp" and "bottom" (second occurrence); and "bottom" (second occurrence) should be deleted.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3, 6-7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA Figs. 1-2 in view of Pace et al. (U.S. Patent No. 6,271,629 B1; hereinafter "Pace").

With respect to claims 1 and 15, AAPA Figs. 1-2 shows a device for switching on and powering discharge lamps comprising a current limiting device [9], a square wave generator (not shown; see specification; page 6, lines 6-7), an igniter [11], two high tension connection cables [15], a lamp holder [16] with a discharge lamp coupled (thereto); said igniter comprises a high tension transformer [12] and overlapping transformers [13, 14]; said device being characterized in that said igniter is divided into a first stage of the igniter, or pulse generator transformer, and the high tension transformer [12], and in that said first igniter stage, or pulse generator transformer, and the high tension transformer [12] are assembled along with the above mentioned components, wherein said at least current limiting device module [9] is connected by two reduced section cables [OUT1, OUT2] to said first stage of the igniter, or pulse generator transformer, and further wherein said current limiting device module [9] and said first stage of the igniter, or pulse generator transformer, are subjected to movement and/or traction (since connection is made with cables [OUT1, OUT2]). AAPA Fig. 2 shows that the device further comprises a lamp holder [16] having a bottom. AAPA Figs. 1-2, however, do not apparently show that the first igniter stage be integral with or fixed on said bottom of said lamp holder.

Pace discloses, in Fig. 2, a device for switching on and powering a discharge lamp [20] comprising a lamp holder [28a, 28b, 28c] having a bottom integral with, or fixed on, an igniter

[60] (regarding “lamp holder”, see col. 4, lines 8-9; regarding “igniter, lamp holder integral”, see col. 5, lines 39-42 and 51-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of AAPA Figs. 1-2 by integrating the lamp holder bottom with the igniter, or fixing the lamp holder bottom on the igniter, as taught by Pace (or the first igniter stage as claimed) for convenience in use since Pace teaches that such integration of parts would provide an overall compact size (see col. 1, line 8).

With respect to claim 2, the combination of AAPA Figs. 1-2 and Pace obviously disclose that the first stage of the igniter, or pulse generator transformer, is integral with the lamp holder such that the first stage of the igniter, or pulse generator transformer slides with said lamp holder (as a result of the modification made in claim 1).

With respect to claim 3, the combination of AAPA Figs. 1-2 and Pace obviously disclose that the first stage of the igniter, or pulse generator transformer, integrally moves along with the lamp holder (as a result of the modification made in claim 1).

With respect to claim 6, the combination of AAPA Figs. 1-2 and Pace disclose that the first stage of the igniter, or pulse generator transformer, comprises a transformer [13, 14] (see AAPA Fig. 2).

With respect to claim 7, the combination of AAPA Figs. 1-2 and Pace disclose that the first stage of the igniter, or pulse generator transformer, comprises two transformers [13, 14] (see AAPA Figs. 1-2).

6. Claims 8-10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA Figs. 1-2 in view of Pace as applied to claims 1, 6-7, and 15 above, and further in view of Elliott (U.S. Patent No. 4,414,491).

With respect to claims 8-10 and 16, the combination of AAPA Figs. 1-2 and Pace obviously disclose all of the claimed subject matter, as expressly recited in claims 1, 6-7, and 15, except for each of the transformers being comprised of a toroidal core.

Elliott discloses, in Fig. 1, a transformer being comprised of a toroidal core [33].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the device of the combination of AAPA Figs. 1-2 and Pace with the transformers individually configured with a toroidal core so as to obtain a reduction of the net flux when increasing the load current and that of size or dimensions since such arrangement of the transformers with toroidal cores for the stated purpose has been well known in the art as evidenced by the teachings of Elliott (see col. 3, lines 28-31).

***Remarks and conclusion***

7. In response to Applicants' arguments on the amended independent claims 1 and 15 at pages 6-7 with respect to the teaching of AAPA Figs. 1-2 in regard to "a lamp holder having a bottom and such that said first igniter stage is integral with said bottom of said lamp holder" (as recited in amended claim 1) and "a lamp holder having a bottom such that said first igniter stage is fixed on said bottom of said lamp holder" (as recited in amended claim 15), it has been acknowledged that the teaching of AAPA Figs. 1-2 lacks such limitations but Pace's has been recited to remedy such deficiency. Details were provided above in "Claim Rejections - 35 USC § 103" section above.

In response to Applicants' arguments on the rejections of claims 8-10 and 16 at pages 7-8, it is acknowledged that the teachings of the combination of AAPA Figs. 1-2 and Pace lack the use of toroidal core transformers but Elliott's has been recited to remedy such deficiency. Details were provided above in "Claim Rejections - 35 USC § 103" section above.

For the aforementioned:

- Claims 1-3, 6-7, and 15 are now rejected as being unpatentable over the combined teachings of AAPA Figs. 1-2 and Pace; and
- Claims 8-10 and 16 are now rejected as being unpatentable over the combined teachings of AAPA Figs. 1-2, Pace, and Elliott.

8. Applicants' amendment necessitated the new grounds of rejections presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Owens W. Douglas can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thuy Vinh Tran/  
Primary Examiner, Art Unit 2821  
06/08/2008